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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,083	03/23/2001	George Henry Hoffman	41556/04089	7945

22428 7590 05/19/2005

FOLEY AND LARDNER
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EXAMINER

ZEENDER, FLORIAN M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,083

Applicant(s)

HOFFMAN, GEORGE HENRY

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7,8,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/18/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7, 8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's own prior art (see for example the Stephanie Stahl article in INFORMATIONWEEK and applicant's IDS submitted in related application 10/855,877, 12/17/2004) in view of "e-Commerce Solutions for Supply Chain Management: A Comparative Review" and Hafner et al. '076 and Shavit et al '156.

Applicant's own prior art teach the limitations of the claims except for use in an electronic and network environment, and more specifically including a supply chain computer generating an electronic order form and generating an alert based on a supplier performance parameter in the order form versus an actual performance.

"e-Commerce Solutions for Supply Chain Management: A Comparative Review" teaches an electronic supply chain management system usable with the Internet.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Applicant's own prior art to make the system electronic and within a network environment, as taught by "e-Commerce Solutions for Supply Chain Management: A Comparative Review", in order to "improve the performance of the supply chain" (See page 1, "Abstract" of the study).

Hafner et al. teach an electronic supply chain management framework utilizing the Internet and including a computer which generates an electronic order (See for example Hafner et al. Col. 2, lines 52-55).

It would have been further obvious to modify Applicant's own prior art to include a supply chain computer that generates an electronic order, in view of Hafner et al., in order to provide a system with "a minimum of human intervention" (See Hafner et al., Col. 2, lines 24-25).

Shavit et al. teach an electronic supply chain management framework utilizing a network whereby an alert feature is utilized (Col. 7, lines 47-57).

It would have been obvious to one of ordinary skill in the art to further modify applicant's prior art to include a system with an alert feature, in view of Shavit et al., in order to notify a user/manager of specific events (See Shavit et al., Col. 7, lines 50-52) that may need attention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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F. Zeender
Primary Examiner, A.U. 3627
May 16, 2005

 5/16/05
F. RYAN ZEENDER
PRIMARY EXAMINER